

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

V.

2.476 ACRES OF LAND, MORE OR
LESS, SITUATE IN STARR COUNTY,
STATE OF TEXAS; AND FIDENCIO M.
GUERRA, Jr., *et al.*,

Defendants.

CASE NO. 7:20-CV-300

COMPLAINT IN CONDEMNATION

1. This is a civil action brought by the United States of America at the request of the Secretary of the Department of Homeland Security, through the Acquisition Program Manager, Wall Program Management Office, U.S. Border Patrol Program Management Office Directorate, U.S. Border Patrol, U.S. Customs and Border Protection, Department of Homeland Security, for the taking of property under the power of eminent domain through a Declaration of Taking, and for the determination and award of just compensation to the owners and parties in interest.

2. The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1358.

3. The interest in property taken herein is under and in accordance with the authority set forth in Schedule "A."

4. The public purpose for which said interest in property is taken is set forth in Schedule “B.”

5. The legal description and map or plat of land in which certain interests are being acquired by the filing of this Complaint, pursuant to the Declaration of Taking, are set forth in Schedules “C” and “D.”

6. The interest being acquired in the property described in Schedules “C” and “D” is set forth in Schedule “E.”

7. The amount of just compensation estimated for the property interest being acquired is set forth in Schedule “F.”

8. The names and addresses of known parties having or claiming an interest in said acquired property are set forth in Schedule “G.”

9. Local and state taxing authorities may have or claim an interest in the property by reason of taxes and assessments due and eligible.

WHEREFORE, Plaintiff requests judgment that the interest described in Schedule “E” of the property described in Schedules “C” and “D” be condemned, and that just compensation for the taking of said interest be ascertained and awarded, and for such other relief as may be lawful and proper.

Respectfully submitted,

RYAN K. PATRICK
United States Attorney
Southern District of Texas

By: *s/ Roland D. Ramos*
ROLAND D. RAMOS
Assistant United States Attorney
Southern District of Texas No. 3458120
Texas Bar No. 24096362
1701 W. Bus. Highway 83, Suite 600
McAllen, TX 78501
Telephone: (956) 618-8010
Facsimile: (956) 618-8016
E-mail: Roland.Ramos@usdoj.gov

SCHEDULE

A

SCHEDULE A

AUTHORITY FOR THE TAKING

The property is taken under and in accordance with 40 U.S.C. §§ 3113 and 3114, which authorize the condemnation of land and the filing of a Declaration of Taking; the Act of Congress approved September 30, 1996, as Public Law 104-208, Division C, Section 102, 110 Stat. 3009-546, 3009-554-55, as amended and codified at 8 U.S.C. § 1103(b) & note; and the Act of Congress approved February 15, 2019, as Public Law 116-6, div. A, tit. II, Section 230, 133 Stat. 13, which appropriated the funds that shall be used for the taking.

SCHEDULE B

SCHEDULE B

PUBLIC PURPOSE

The public purpose for which said property is taken is to construct, install, operate, and maintain roads, fencing, vehicle barriers, security lighting, cameras, sensors, and related structures designed to help secure the United States/Mexico border within the State of Texas.

SCHEDULE C

SCHEDULE C

LEGAL DESCRIPTION

Starr County, Texas

Tract: RGV-RGC-6002

Owner: Fidencio M. Guerra, Jr., *et al.*

Acres: 2.476

Being a 2.476 acre (107,842 square feet) parcel of land, more or less, being out of the Augustine de la Garza Survey, Abstract No. 83, Porción 73, Starr County, Texas, being out of Share 36, and being out of a called 24.19 acre tract conveyed to Robert Miguel Guerra, Carlos Antonio Guerra, Fidencio Miguel Guerra, Jr., Brenda E. Guerra Brooke, Judith A. Guerra Arnold and Daniel Joseph Guerra by Family Settlement Agreement, Distribution of Estate, Funding of the Residence Trust, Waiver of Formal Accounting and Release recorded in Volume 1136, Page 41, Official Records of Starr County, Texas (Tract 12) and in Order Admitting Will to Probate and Authorizing Letters Testamentary recorded in Volume 1468, Page 313, Official Records of Starr County, Texas (Tract 12), said parcel of land being more particularly described by metes and bounds as follows;

Beginning at a found 1/2" iron rod for the north corner of Tract RGV-RGC-6002, said point being at a westerly exterior corner of the 24.19 acre tract and a southerly interior corner of a called 9 acre tract conveyed to Fidencio M. Guerra, Jr., Robert James Margo, Marilyn Margo Flores, Carolyn Margo Trombley, Sister Marian Frances Margo, Frederick J. Margo, Richard L. Margo, A.E. Margo and Virginia Margo Jones by Abstract of Judgement recorded in Volume 1415, Page 567, Official Records of Starr County, Texas (Third Tract: Share 38-A) and being the same tract of land conveyed to Roberto Miguel Guerra, Carlos Antonio Guerra, Fidencio Miguel Guerra, Jr., Brenda Estela Guerra Brooke, Judith Ann Guerra Arnold and Daniel Joseph Guerra by Application for Probate of Will and Issuance of Letters Testamentary recorded in Volume 1478, Page 308, Official Records of Starr County, Texas (Cause No. 2013-PC-2240), said point having the coordinates of N=16662553.759, E=852635.238, said point bears S 63°28'12" E, a distance of 6952.51' from United States Army Corps of Engineers Control Point No. 210;

Thence: along the common lines of the 24.19 acre tract and the 9 acre tract, the following courses and distances:

- S 28°36'10" E (S 28°52'00" E, Record), for a distance of 264.00' to a found 1/2" iron rod for a northerly interior corner of Tract RGV-RGC-6002;
- N 15°43'35" E (N 15°26'00" E, Record), for a distance of 52.96' to a set 5/8" rebar with an MDS LAND SURVEYING aluminum disk capped survey marker stamped with the following description: "RGV-RGC-6001-3=6002-3" for an easterly north corner of Tract RGV-RGC-6002, said point being in the west line of the 24.19 acre tract and the east line of the 9 acre tract;

Thence: departing the east line of the 9 acre tract, over and across the 24.19 acre tract, the following courses and distances:

SCHEDULE C (Cont.)

- S 27°12'30" E, for a distance of 109.52' to a set 5/8" rebar with an MDS LAND SURVEYING aluminum disk capped survey marker stamped with the following description: "RGV-RGC-6002-4" for an angle point in the northeast line of Tract RGV-RGC-6002;
- S 15°37'27" E, for a distance of 266.25' to a set 5/8" rebar with an MDS LAND SURVEYING aluminum disk capped survey marker stamped with the following description: "RGV-RGC-6002-5=6004-1" for the southeast corner of Tract RGV-RGC-6002, said point being at an easterly exterior corner of the 24.19 acre tract, the west corner of Lot 4 and the northwest corner of Lot 5 of River Bend Subdivision Phase III recorded in Volume 3, Page 485, Plat Records of Starr County, Texas and a northerly corner of a called 14.64 acre tract conveyed to Starr Produce, Inc. (Undivided Interest) by Warranty Deed recorded in Volume 539, Page 524, Official Records of Starr County, Texas (Share 30-B) being the same tract of land conveyed to Al E. Margo, Frederick J. Margo, Richard L. Margo and Virginia Gail Jones (Undivided Interest) by Special Warranty Deed recorded in Volume 1239, Page 503 and Volume 1239, Page 509, Official Records of Starr County, Texas;

Thence: along the common lines of the 24.19 acre tract and the 14.64 acre tract, the following courses and distances:

- N 55°43'47" W (N 56°33'00" W, Record), for a distance of 63.93' to a point for a southerly interior corner of Tract RGV-RGC-6002;
- S 11°35'48" W (S 11°20'00" W, Record), for a distance of 355.93' to a set 5/8" rebar with an MDS LAND SURVEYING aluminum disk capped survey marker stamped with the following description: "RGV-RGC-6002-7=6004-12" for the south corner of Tract RGV-RGC-6002, said point being in the east line of the 24.19 acre tract and the west line of the 14.64 acre tract;

Thence: departing the west line of the 14.64 acre tract, over and across the 24.19 acre tract, the following courses and distances:

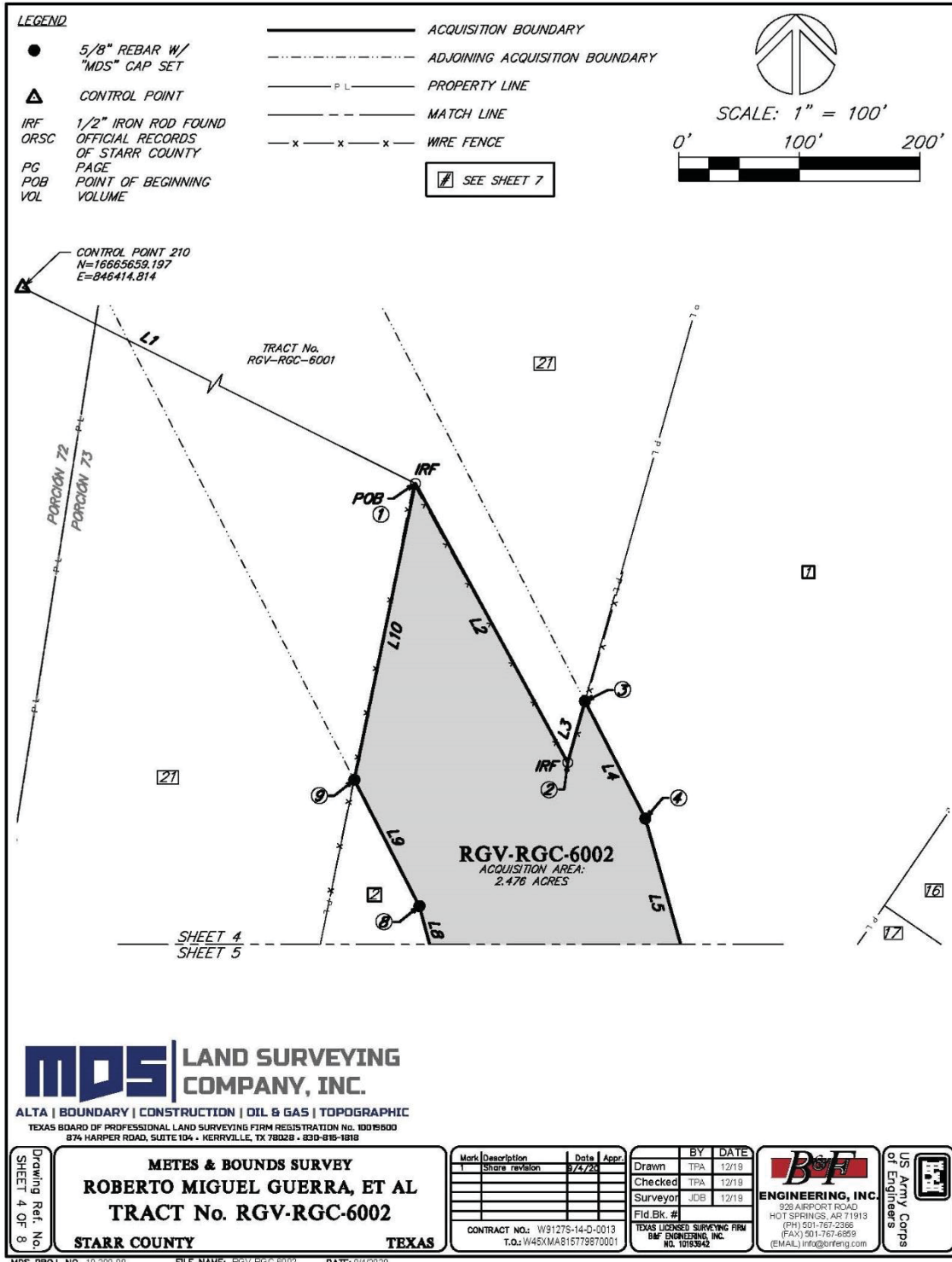
- N 15°11'46" W, for a distance of 514.33' to a set 5/8" rebar with an MDS LAND SURVEYING aluminum disk capped survey marker stamped with the following description: "RGV-RGC-6002-8" for an angle point in the southwest line of Tract RGV-RGC-6002;
- N 27°12'30" W, for a distance of 117.95' to a set 5/8" rebar with an MDS LAND SURVEYING aluminum disk capped survey marker stamped with the following description: "RGV-RGC-6001-6=6002-9" for the west corner of Tract RGV-RGC-6002, said point being in the east line of the 9 acre tract and the west line of the 24.19 acre tract;

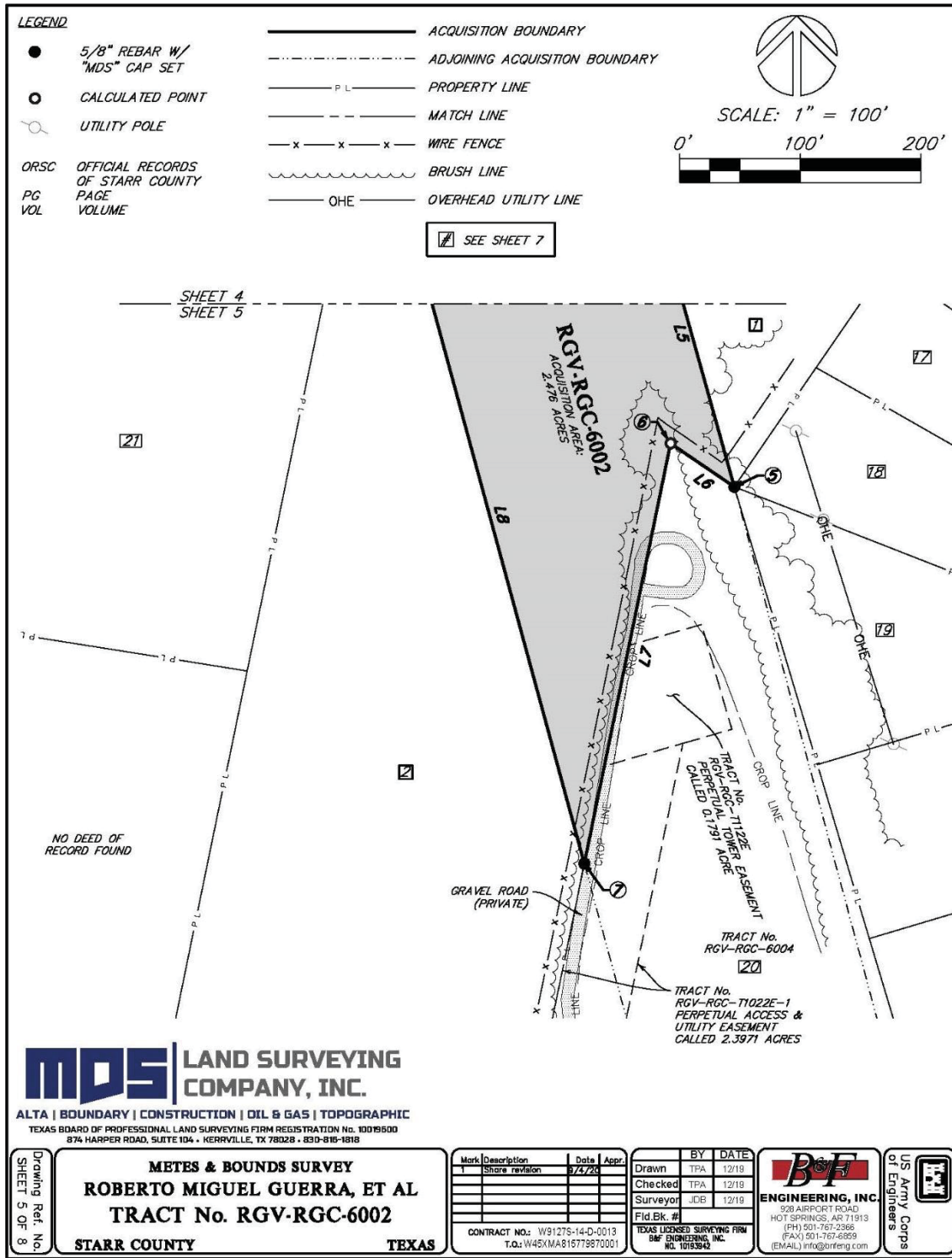
Thence: N 11°37'21" E (N 11°20'00" E, Record), with the east line of the 9 acre tract and the west line of the 24.19 acre tract, for a distance of 251.19' to the **Point of Beginning**.

SCHEDULE D

SCHEDULE D

MAP or PLAT

LAND TO BE CONDEMNED

SCHEDULE D (Cont.)

SCHEDULE D (Cont.)

LINE	BEARING	DISTANCE	REC-BEARING	REC-DISTANCE
L1	S 63°28'12" E	6952.51'	N/A	N/A
L2	S 28°36'10" E	264.00'	S 28°52'00" E	264.00'
L3	N 15°43'35" E	52.96'	N 15°26'00" E	N/A
L4	S 27°12'30" E	109.52'	N/A	N/A
L5	S 15°37'27" E	266.25'	N/A	N/A
L6	N 55°43'47" W	63.93'	N 56°33'00" W	64.00'
L7	S 11°35'48" W	355.93'	S 11°20'00" W	N/A
L8	N 15°11'46" W	514.33'	N/A	N/A
L9	N 27°12'30" W	117.95'	N/A	N/A
L10	N 11°37'21" E	251.19'	N 11°20'00" E	N/A

COORDINATE TABLE

MONUMENT No.	NORTHING	EASTING	MONUMENT NAME
1	16662553.759	852635.238	RGV-RGC-6001-5=6002-1
2	16662321.975	852761.625	RGV-RGC-6001-4=6002-2
3	16662372.954	852775.980	RGV-RGC-6001-3=6002-3
4	16662275.552	852826.055	RGV-RGC-6002-4
5	16662019.143	852897.762	RGV-RGC-6002-5=6004-1
6	16662055.142	852844.931	RGV-RGC-6002-6=6004-13
7	16661706.476	852773.381	RGV-RGC-6002-7=6004-12
8	16662202.821	852638.564	RGV-RGC-6002-8
9	16662307.723	852584.633	RGV-RGC-6001-6=6002-9

NOTES:

1. THE BEARINGS, DISTANCES, AND COORDINATE VALUES SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, REFERENCED TO NAD83(2011), TX SOUTH ZONE (4205), US SURVEY FEET, USING THE CORS(2011) ADJUSTMENT. THE DISTANCES AND COORDINATES SHOWN HEREON ARE GRID VALUES AND MAY BE CONVERTED TO GROUND (SURFACE) USING THE TXDOT COUNTY PUBLISHED COMBINED SCALE FACTOR OF 1.000040000 (E.G. GRID X 1.000040000 = SURFACE).
2. A SEPARATE METES AND BOUNDS DESCRIPTION OF EQUAL DATE WAS WRITTEN IN CONJUNCTION WITH THIS SURVEY PLAT.
3. THE SQUARE FOOTAGE TOTAL RECITED HEREIN IS BASED ON MATHEMATICAL CALCULATIONS AND SUBJECT TO THE RULES OF ROUNDING AND SIGNIFICANT NUMBERS.
4. THE REMAINING ACREAGE OF THE PARENT TRACT WAS CALCULATED FROM THE RECORDED INSTRUMENTS AND IS NOT BASED ON FIELD DIMENSIONS.
5. FIELD SURVEY COMPLETED 12/09/2019.
6. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT.
7. MDS LAND SURVEYING COMPANY, INC. HAS PROVIDED THESE SURVEY SERVICES TO THE CORPS OF ENGINEERS AS A SUBCONSULTANT TO B&F ENGINEERING, INC., THE PRIME CONSULTANT. THE CORPS' CONTRACTING OFFICER'S REPRESENTATIVE IS STEPHEN CORLEY, RPLS (817) 886-1143.

MDS | LAND SURVEYING
 COMPANY, INC.

 ALTA | BOUNDARY | CONSTRUCTION | OIL & GAS | TOPOGRAPHIC
 TEXAS BOARD OF PROFESSIONAL LAND SURVEYING FIRM REGISTRATION No. 10019500
 874 HARPER ROAD, SUITE 104 • KERRVILLE, TX 78028 • 830-816-1818

 Drawing Ref. No.
 SHEET 6 OF 8

METES & BOUNDS SURVEY
ROBERTO MIGUEL GUERRA, ET AL
TRACT No. RGV-RGC-6002
STARR COUNTY TEXAS

Work Description	Date	Appr.
Shore redefinition	9/2/20	

 CONTRACT No.: W9127S-14-D-0013
 T.O.: W45XMA815779870001

BY	DATE
Drawn	TPA 12/19
Checked	TPA 12/19
Surveyor	JCB 12/19
Fid.Bk. #	

B&F
ENGINEERING, INC.
 928 AIRPORT ROAD
 HOT SPRINGS, AR 71913
 (PH) 501-767-2386
 (FAX) 501-767-6969
 (EMAIL) info@boreng.com


MDS PROJ. NO. 18-200-00

FILE NAME: RGV-RGC-6002

DATE: 04/2020

SCHEDULE D (Cont.)

<p>1</p> <p>ROBERT MIGUEL GUERRA, CARLOS ANTONIO GUERRA, FIDENCIO MIGUEL GUERRA, JR., BRENDA E. GUERRA BROOKE, JUDITH A. GUERRA ARNOLD & DANIEL JOSEPH GUERRA CALLED 24.19 ACRES FAMILY SETTLEMENT AGREEMENT, DISTRIBUTION OF ESTATE, FUNDING OF THE RESIDENCE TRUST, WAIVER OF FORMAL ACCOUNTING & RELEASE VOL. 1136, PG. 41 ORSC (TRACT 12) ROBERT MIGUEL GUERRA, CARLOS ANTONIO GUERRA, FIDENCIO MIGUEL GUERRA, JR., BRENDA E. GUERRA BROOKE, JUDITH A. GUERRA ARNOLD & DANIEL JOSEPH GUERRA CALLED 24.19 ACRES ORDER ADMITTING WILL TO PROBATE & AUTHORIZING LETTERS TESTAMENTARY VOL. 1468, PG. 313 ORSC (TRACT 12) REMAINING AREA: 13.312 ACRES</p> <p>2</p> <p>ROBERT MIGUEL GUERRA, CARLOS ANTONIO GUERRA, FIDENCIO MIGUEL GUERRA, JR., BRENDA E. GUERRA BROOKE, JUDITH A. GUERRA ARNOLD & DANIEL JOSEPH GUERRA CALLED 24.19 ACRES FAMILY SETTLEMENT AGREEMENT, DISTRIBUTION OF ESTATE, FUNDING OF THE RESIDENCE TRUST, WAIVER OF FORMAL ACCOUNTING & RELEASE VOL. 1136, PG. 41 ORSC (TRACT 12) ROBERT MIGUEL GUERRA, CARLOS ANTONIO GUERRA, FIDENCIO MIGUEL GUERRA, JR., BRENDA E. GUERRA BROOKE, JUDITH A. GUERRA ARNOLD & DANIEL JOSEPH GUERRA CALLED 24.19 ACRES ORDER ADMITTING WILL TO PROBATE & AUTHORIZING LETTERS TESTAMENTARY VOL. 1468, PG. 313 ORSC (TRACT 12) REMAINING AREA: 8.718 ACRES</p>	<p>3</p> <p>ROBERT MIGUEL GUERRA, CARLOS ANTONIO GUERRA, FIDENCIO MIGUEL GUERRA, JR., BRENDA E. GUERRA BROOKE, JUDITH A. GUERRA ARNOLD & DANIEL JOSEPH GUERRA CALLED 24.63 ACRES FAMILY SETTLEMENT AGREEMENT, DISTRIBUTION OF ESTATE, FUNDING OF THE RESIDENCE TRUST, WAIVER OF FORMAL ACCOUNTING & RELEASE VOL. 1136, PG. 41 ORSC (TRACT 7) ROBERT MIGUEL GUERRA, CARLOS ANTONIO GUERRA, FIDENCIO MIGUEL GUERRA, JR., BRENDA E. GUERRA BROOKE, JUDITH A. GUERRA ARNOLD & DANIEL JOSEPH GUERRA CALLED 24.63 ACRES ORDER ADMITTING WILL TO PROBATE & AUTHORIZING LETTERS TESTAMENTARY VOL. 1468, PG. 313 ORSC (TRACT 7)</p>		
<p>22</p> <p>MARIA Y HERNANDEZ & ALFREDO VILLARREAL CALLED 20.46 ACRES WARRANTY DEED W/ VENDOR'S LIEN VOL. 1364, PG. 94 ORSC</p>	<p>16</p> <p>OWNER UNKNOWN LOT 2 RIVER BEND SUBDIVISION PHASE III VOL. 3, PG. 485 PRSC</p>	<p>17</p> <p>OWNER UNKNOWN LOT 3 RIVER BEND SUBDIVISION PHASE III VOL. 3, PG. 485 PRSC</p>	<p>18</p> <p>OWNER UNKNOWN LOT 4 RIVER BEND SUBDIVISION PHASE III VOL. 3, PG. 485 PRSC</p>
<p>19</p> <p>OWNER UNKNOWN LOT 5 RIVER BEND SUBDIVISION PHASE III VOL. 3, PG. 485 PRSC</p>	<p>20</p> <p>STARR PRODUCE, INC. (UNDIVIDED INTEREST) CALLED 14.64 ACRES WARRANTY DEED VOL. 539, PG. 524 ORSC (SHARE 30-B) AL E. MARGO, FREDERICK J. MARGO, RICHARD L. MARGO & VIRGINIA GAIL JONES (UNDIVIDED INTEREST) SPECIAL WARRANTY DEED VOL. 1239, PG. 503 ORSC VOL. 1239, PG. 509 ORSC</p>		<p>21</p> <p>FIDENCIO M. GUERRA, JR., ROBERT JAMES MARGO, MARILYN MARGO FLORES, CAROLYN MARGO TROMBLET, SISTER MARIAN FRANCES MARGO, FREDERICK J. MARGO, RICHARD L. MARGO, A.E. MARGO & VIRGINIA MARGO JONES CALLED 9 ACRES ABSTRACT OF JUDGEMENT VOL. 1415, PG. 567 ORSC (THIRD TRACT: SHARE 38-A) ROBERTO MIGUEL GUERRA, CARLOS ANTONIO GUERRA, FIDENCIO MIGUEL GUERRA, JR., BRENDA ESTELA GUERRA BROOKE, JUDITH ANN GUERRA ARNOLD & DANIEL JOSEPH GUERRA APPLICATION FOR PROBATE OF WILL & ISSUANCE OF LETTERS TESTAMENTARY VOL. 1478, PG. 308 ORSC (CAUSE No. 2013-PC-2240)</p>

MDS LAND SURVEYING COMPANY, INC.

ALTA | BOUNDARY | CONSTRUCTION | OIL & GAS | TOPOGRAPHIC
TEXAS BOARD OF PROFESSIONAL LAND SURVEYING FIRM REGISTRATION No. 10019500
874 HARPER ROAD, SUITE 104 • KERRVILLE, TX 78029 • 830-815-1818

Drawing Ref. No.
SHEET 7 OF 8

METES & BOUNDS SURVEY
ROBERTO MIGUEL GUERRA, ET AL
TRACT No. RGV-RGC-6002
STARR COUNTY TEXAS

Mark	Description	Date	Appr.
1	Share revision	9/4/20	

CONTRACT NO.: W91275-14-D-0013
T.O.: W45XMA815779870001

BY	DATE
Drawn	TPA 12/19
Checked	TPA 12/19
Surveyor	JOB 12/19
Fid.Bk. #	

TEXAS LICENSED SURVEYING FIRM
BKF ENGINEERING, INC.
NO. 10155643

BKF ENGINEERING, INC.
928 AIRPORT ROAD
HOT SPRINGS, AR 71913
(PH) 501-767-2366
(FAX) 501-767-6859
(EMAIL) info@bkfeng.com

US Army Corps of Engineers

MDS PROJ. NO. 18-200-00

FILE NAME: RGV-RGC-6002

DATE: 9/4/2020

SCHEDULE E

SCHEDULE E

ESTATE TAKEN

Starr County, Texas

Tract: RGV-RGC-6002

Owner: Fidencio M. Guerra, Jr., *et al.*

Acres: 2.476

The estate taken is fee simple, subject to existing easements for public roads and highways, public utilities, railroads, and pipelines; and subject to all interests in minerals and appurtenant rights for exploration, development, production and removal of said minerals;

Reserving to the owners of land identified as the Augustine de la Garza Survey, Abstract No. 83, Porción 73, Share 36, Starr County, Texas, and being Tract 12 in Order Admitting Will to Probate, and Authorizing Letters Testamentary recorded in Volume 1468, Page 313, Official Records of Starr County, Texas, and Family Settlement Agreement, Distribution of Estate, Funding of the Residence Trust, Waiver of Formal Accounting and Release recorded with Official Records of Starr County, Texas, in Volume 1136, Page 41, Official Records of Starr County, Texas, reasonable access to and from the owners' lands lying between the Rio Grande River and the border barrier through opening(s) or gate(s) in the border barrier between the westernmost mark labeled "Beginning" and easternmost mark labeled "Ending" depicted on the map below;

Excepting and excluding all interests in water rights and water distribution and drainage systems, if any, provided that any surface rights arising from such water rights or systems are subordinated to the United States' construction, operation and maintenance of the border barrier.

SCHEDULE E (Cont.)



SCHEDULE

F

SCHEDULE F

ESTIMATE OF JUST COMPENSATION

The sum estimated as just compensation for the land being taken is TWENTY FIVE THOUSAND, FIVE HUNDRED AND SEVENTY FOUR DOLLARS AND NO/100 (\$25,574.00), to be deposited herewith in the Registry of the Court for the use and benefit of the persons entitled thereto.

SCHEDULE G

SCHEDULE G**INTERESTED PARTIES**

The following table identifies all persons who have or claim an interest in the property condemned and whose names are now known, indicating the nature of each person's property interest(s) as indicated by references in the public records and any other information available to the United States. *See* Fed. R. Civ. P. 71.1(c).

Interested Party	Reference
Fidencio Miguel Guerra, Jr. [REDACTED] McAllen, Texas 78501	Family Settlement Agreement, Volume 1136, Page 41; Recorded February 28, 2007, Deed Records of Starr County, Texas
Brenda Estela Guerra Brooke [REDACTED] Austin, Texas 78731	Family Settlement Agreement, Volume 1136, Page 41; Recorded February 28, 2007, Deed Records of Starr County, Texas
Robert Miguel Guerra [REDACTED] McAllen, Texas 78501-2422	Family Settlement Agreement, Volume 1136, Page 41; Recorded February 28, 2007, Deed Records of Starr County, Texas
Daniel Joseph Guerra, Jr. [REDACTED] McAllen, Texas 78501-2422	Family Settlement Agreement, Volume 1136, Page 41; Recorded February 28, 2007, Deed Records of Starr County, Texas
Judith Ann Guerra Arnold [REDACTED] McAllen, Texas 78501-2422	Family Settlement Agreement, Volume 1136, Page 41; Recorded February 28, 2007, Deed Records of Starr County, Texas
Carlos Antonio Guerra [REDACTED] Scottsdale, Arizona 85259-3097	Family Settlement Agreement, Volume 1136, Page 41; Recorded February 28, 2007, Deed Records of Starr County, Texas
Ameida Salinas Starr County Tax Assessor & Collector 100 North FM 3167, Room 201 Rio Grande City, Texas 78582	Tax Authority

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

United States of America

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Roland D. Ramos, US Attorney's Office, SDTX
1701 W. Bus. Hwy 83 Suite 600
McAllen, TX 78501

DEFENDANTS

2.476 Acres of Land More or Less, Situate in Starr County, State of Texas; and Fidencio M. Guerra, Jr., et al.

County of Residence of First Listed Defendant Starr
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act
REAL PROPERTY <input checked="" type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

40 U.S.C. 3113 and 3114

Brief description of cause:

Land condemnation proceeding for fee simple interest to construct, install, operate, and maintain border security.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION DEMAND \$

UNDER RULE 23, F.R.Cv.P.

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

09/29/2020

SIGNATURE OF ATTORNEY OF RECORD

/s/ Roland D. Ramos

FOR OFFICE USE ONLY

RECEIPT # _____

AMOUNT _____

APPLYING IFP _____

JUDGE _____

MAG. JUDGE _____